



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,152	04/02/2001	James O. Robarts	29443-8026US	2360
25096	7590	12/01/2003		
PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247				
			EXAMINER HAILU, TADESSE	
			ART UNIT 2173	PAPER NUMBER
DATE MAILED: 12/01/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/825,152

Applicant(s)

ROBARTS ET AL.

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25 is/are allowed.
- 6) ☒ Claim(s) 26-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the patent application number 09/825,152 filed April 2, 2001.
2. The present patent application claims priority from 09/216,193 (CIP), filed 18 Dec 1998 now patent number 6,466,232.
3. The submitted Information Disclosure Statements with references are considered and entered in the application.
4. The pending claims 1-33 are examined as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 26-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Theimer et al (US 5,611,050).

With regard to claim 26:

Theimer et al describes a method in a computing device, such as a *PARKTAB*, a wireless computer for retrieving information. Wherein the information is a response based on the user's context information, such as based on the location of the user, etc. At startup user's computing device is configured and user's preference is recorded at the user agent. The user agent determines the relationship between a plurality of context information and one of the responses,

Art Unit: 2173

based on the received indications, such as information received from a sensor (active badge) information. Once the user is detected (via sensors) associating between the pluralities of context information and at least one response (via input terminal monitor) is created. Consequently response can be provided when needed in response to a context that matches the plurality of context information (user is next to a friend, next to printer, or by himself in a room) (column 8, lines 62-column 9, lines 54; column 13, lines 41-59; column 17, lines 51-column 18, lines 36).

With regard to claims 27 and 29:

Theimer's computing device is a wireless computer (thin client computing device); it may also be a wearable computer.

With regard to claim 28:

Independent claim 28 corresponds generally to independent claim 26 and recites similar features in a computer device form, and therefore is rejected under the same rationale.

With regard to claim 30:

Independent claim 30 corresponds generally to independent claim 26 and recites similar features in a computer system form, and therefore is rejected under the same rationale.

With regard to claim 31:

Independent claim 31 corresponds generally to independent claim 26 and recites similar features in a computer-readable form, and therefore is rejected under the same rationale.

With regard to claim 32:

Theimer describes the computer-readable medium is a data transmission medium transmitting a generated data signal containing the content (column 6, lines 1-17).

With regard to claim 33:

Theimer describes that the computer-readable medium is a memory in a computer system (column 26, lines 63-65).

Allowable Subject Matter

6. Claims 1-25 are allowed.

The following is an examiner's statement of reasons for allowance: while Theimer describes some of the limitations recited in claim 1, such as, among others, receiving indication of current context information about the user that includes current values for each of the plurality of context attributes. But Theimer fails to describe, "receiving an indication from the user of an alternate automated response to be provided; and storing an indication of a possible relationship between the indicated current context information and the alternate automated response; automatically detecting a relationship between an identified contextual situation and one of the alternate automated response based on analysis of repeated patterns in the stored indications in which that alternate automated response is indicated by the user; and creating an association between the identified contextual situation and the one alternate automated response, so that when the identified contextual situation is determined in the future to match current context information, the one alternate automated response can be provided to the user."

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2173

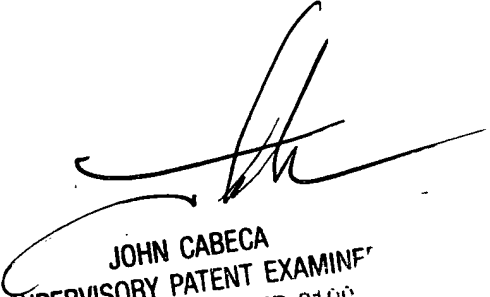
CONCLUSION

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 8:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu

Nov 20, 2003



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100